

# Notice of Allowability

Application No.

09/604,113

Examiner

Tuan A Vu

Applicant(s)

SZEWERENKO ET AL.

Art Unit

2124

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11/08/2004.
2. ☒ The allowed claim(s) is/are 2,4, 8-10( now renumbered 1-5).
3. ☒ The drawings filed on 9/11/2000 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

### **DETAILED ACTION**

1. This action is responsive to the Applicant's response filed 11/08/2004.

As indicated in Applicant's response, claims 2, 8, 9 have been amended and claim 10 added, and claims 1, 3, 5-7 canceled. Claims 2, 4, 8-10 are pending in the office action.

### ***EXAMINER'S STATEMENT OF REASONS FOR ALLOWANCE***

2. Claims 2, 4, 8-10 are allowed.

The following is an examiner's statement of reasons for allowance:

The prior art taken separately or jointly does not suggest or teach the following features:

A method of making a far call or branch instruction to a target address using a near call or branch instruction, comprising: if transfer of control is determined to be beyond reach of a near call limitation, (i) generating a link time modification of object code and adding a trampoline code without changing or expanding the compiler generated instructions for a long transfer of control by redirecting the far call/branch to a code which will transfer control to the target address and (ii) using a sequence of trampolines if resources are a problem, as recited in claims 2 and 10; and (iii) and if determining that a previously created first trampoline will not be linkably close enough to reach the target address via a near call, creating a second trampoline as in (i) to effect control redirection of the far call to the target address as recited in claims 4 and 8.

IA-64 (by Intel) teaches if a displacement of branch call is too far during linking time, then effect a branch stub but does not teach or suggest creating a sequence of trampolines as in the scenario where the first trampoline leads to a second trampoline when resource limitations are a problem as recited in (ii) or (iii).

Art Unit: 2124

**Mattson**, USPN: 6,317,870, disclose creating as many stubs as needed when a application is linking to a dynamic loaded library files but Mattson does not teach or suggest the creation of a trampoline to transfer control in the far call/near call context of (i) nor does Mattson teach or suggest the sequence of trampolines as determined by the conditions set in (ii) or (iii).

**Hollingsworth et al.**, "Dynamic Program Instrumentation for Scalable Performance Tools", teaches one entry trampoline and one exit trampoline but does not teach or suggest the sequence of trampolines as the first one and a ensuing second one as required in (ii) and (iii).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan A Vu whose telephone number is (272) 272-3735. The examiner can normally be reached on 8AM-4:30PM/Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (571)272-3719.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273-3735 ( for non-official correspondence – please consult Examiner before using) or 703-872-9306 ( for official correspondence) or redirected to customer service at 571-272-3609.

Art Unit: 2124

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: 571-272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

VAT  
March 15, 2005



ANIL KHATRI  
PRIMARY EXAMINER